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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

<p>HORNADY MANUFACTURING COMPANY, a Nebraska Corporation</p> <p>Plaintiff,</p> <p>vs.</p> <p>DOUBLE TAP AMMUNITION, INC., a Utah Corporation</p> <p>Defendant.</p>	<p>Civil Action No. 2:11-CV-0018 TS</p> <p>Judge Ted Stewart</p> <p>MEMORANDUM IN SUPPORT OF MOTION TO STAY DISCOVERY</p>
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Defendant, Doubletap, Inc., hereby submits this memorandum in support of its Motion to Stay Discovery.

I. INTRODUCTION

Doubletap, Inc. has filed a potentially dispositive motion for summary judgment. No discovery is needed to resolve Defendant's pending motion. Therefore, to avoid unnecessary fees, costs, and expenses of the parties and for the speedy resolution of this matter, discovery should be stayed in this matter pending the decision on Doubletap's motion for summary judgment.

II. BACKGROUND

Hornady served discovery requests upon Doubletap, Inc. Doubletap, Inc. provided appropriate responses under the Rules. Subsequently, Hornady has brought a motion for protective order [docket no. 12] and a motion to compel [docket no. 14].

Doubletap has filed a motion for summary judgment seeking dismissal of all of Hornady's claims based upon the applicable statutes of limitation and the doctrine of laches [docket nos. 18 and 19].

III. POINTS AND AUTHORITIES

It is within the inherent authority of this Court to manage cases for the just and speedy resolution of matters and to do so without requiring the parties to incur undue fees, costs, and expenses. FRCP 26. Pending before the Court is Doubletap Inc.'s potentially dispositive motion for summary judgment. There appears to be no genuine issues of material fact as to Hornady's knowledge of Doubletap, Inc.'s use of the mark DOUBLETAP in connection with ammunition as early as 2003. Between 2003 and 2006, Hornady was confronted a number of times with Defendant's uses of the mark DOUBLETAP. Hornady did nothing thereby acquiescing to Defendant's use of DOUBLETAP. A more complete recitation of the facts and applicable law are set forth in Defendant's Docket filing nos. 18 and 19 which are incorporated herein. Should the Court grant Doubletap's motion for summary judgment, the pending discovery motions of Hornady as well as all other discovery becomes moot and unnecessary.

Hornady's pending motion to compel and motion for protective order are rendered entirely moot in light of the statute of limitations and laches doctrines which apply to Hornady's claims in this case. As a result, Doubletap, Inc. requests this Court to stay the briefing on Hornady's protective order [docket no. 12] and a motion to compel [docket no. 14]. Similarly, the granting of Doubletap, Inc.'s motion for summary judgment renders all discovery in this case moot and unnecessary.

Therefore, Doubletap, Inc. requests this Court to stay all discovery proceedings pending resolution of Doubletap, Inc.'s potentially dispositive motion based upon the running of the

statutes of limitation which requires no discovery, and upon the Doctrine of Laches which also requires no apparent discovery. Where dismissal of this case is proper, pending that decision all discovery proceedings in this matter should be stayed.

IV. CONCLUSION

Pending before the Court is a dispositive motion, which would render all discovery motions and discovery in this matter moot if granted. Doubletap, Inc. requests this Court to stay all discovery proceedings, including the briefing on Hornady's motion for protective order [docket no. 12] and a motion to compel [docket no. 14], until this Court has decided Doubletap, Inc.'s motion for summary judgment (Docket nos. 18 and 19).

DATED this 23rd day of September, 2011.

KIRTON & McCONKIE

By: s/Todd E. Zenger
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DOUBLE TAP AMMUNITION, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of September, 2011, the foregoing MEMORANDUM IN SUPPORT OF MOTION TO STAY DISCOVERY was electronically filed with the Clerk of the Court, District of Utah, using the CM/ECF system, which sent notification of such filing to the following:

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